

**Applicant:** James A. Proctor, Jr.  
**Application No.:** 09/772,176

**REMARKS/ARGUMENTS**

Claims 1, 2, 5-14, 16, 17, 19, 21, 22, 25-36, 39, and 42 are currently pending in this application. Claims 1, 21 and 42 are amended.

**Claim Objections**

Claims 1, 2, 5-14, 16, 17, 19, 21, 22, 25-36, 39, and 42 (that is, all pending claims) are objected to on the grounds that it is unclear where the specification recites “detecting an amount of motion of a communication device” as recited in independent claims 1, 21, and 42. Claims 1, 21 and 42 are amended. It is submitted that these amended claims are supported in many places throughout the specification.

The withdrawal of the objection to all pending claims is respectfully requested.

**Claim Rejections - 35 USC § 103**

Claims 1, 2, 11-14, 16, 17, 19, 21, 22, 31-36, 39 and 42 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent US 6,700,881 to Kong et al. (hereinafter Kong) in view of U.S. Patent US 5,621,737 to Bucher (hereinafter Bucher). Claims 8-10 and 28-30 are rejected under 35 USC §103(a) as being unpatentable over Kong in view of Bucher and further in view of U.S. Patent No.

6,430,244 to Ryu (hereinafter Ryu). The Applicant respectfully traverses for the following reasons.

Kong does not teach “detecting a movement of a communication device communicating the wireless signal or an external object in a signal path.” Kong teaches away from claim 1 and the Applicant’s disclosure by relying on signal-to-noise ratio (SNR). See Kong col. 2, lines 9-13 and 14-19 (cited in the Action) and 19-24; col. 9, lines 58 – 64; col. 21, lines 35 – 41; col. 22, line 66 – col. 23, line 3; col. 25 lines 23-26; col. 26, lines 1-5; and compare to Applicant’s specification page 3, lines 16-23; page 7, lines 7-13; and page 14, lines 2-8.

It is admitted in the Action (page 4) that Kong does not disclose measurement of a metric of the modulated signal attribute comprising at least one of amplitude, phase and frequency, as recited in claim 1. The Action asserts that Bucher remedies this deficiency of Kong, but Bucher does nothing of the kind. The argument presented in the Action is based on a misconstruing of the words “amplitude”, “frequency”, and “phase”. In Bucher, the measurement used is an estimate of BER defined in Figure 4; col. 4, line 43-col. 5, line 4, and elsewhere. Bucher defines such quantities as amplitude, frequency, and phase in the context of QPSK, which is distinct from the meaning of such terms in the Applicant’s specification.

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For all of the reasons presented above, claim 1 is patentable over the combination of Kong and Bucher. Independent claims 21 and 42 recite elements corresponding to those of claim 1 and are therefore also patentable over Kong and Bucher for corresponding reasons. All other pending claims are each dependent on one of claims 1, 21, or 42, and are therefore also patentable over Kong and Bucher.

Regarding claims 8-10 and 28-30, Ryu does not remedy the deficiencies of Kong and Bucher. Ryu discloses a phase-locked loop circuit and is silent concerning the above discussed elements of claims 1, 21 and 42.

Based on the arguments presented above, withdrawal of the rejection of all pending claims under 35 USC §103(a) over the cited references is respectfully requested.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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